

CONNECTICUT LEGAL RIGHTS PROJECT, INC.

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**TESTIMONY OF JAN VANTASSEL, ESQ.**  
**PUBLIC HEALTH COMMITTEE**  
**March 12, 2008**

My name is Jan VanTassel, and I am the Executive Director of the Connecticut Legal Rights Project (CLRP). CLRP is a statewide non-profit agency that provides free legal services to low income adults with psychiatric disabilities on matters related to their mental health and civil rights.

For the purposes of today's hearing, it is also relevant to mention that I worked for six years for DSS. I was responsible for overseeing the implementation of the federally mandated preadmission screening program and developing waivers to establish alternatives to nursing home placements. Unfortunately, the system identified persons with mental illness who were being admitted to nursing homes. It did nothing to expand community placements for them. It was a classic case of "form over substance".

I am testifying today on HB 5861, An Act Concerning Mentally Ill Individuals in Nursing Homes.

This bill, while well-intended, does not address the fundamental issue confronting persons with mental illness who reside in nursing homes. Many, if not most of them, do not need to be institutionalized. They are there because there are not enough community placements for them. In short, the state has failed to develop the housing options and services that they need. They are placed in nursing homes because it is available – not because it is necessary. This practice violates both the ADA's community integration mandate and the state's statutory obligation to provide services in the least restrictive environment.

In order to promote compliance with these mandates, the state has initiated measures to "rebalance" our long term care system. DMHAS and DSS are developing a home and community based services waiver to discharge persons with mental illness from nursing homes.

However, there are additional steps that must be taken to prevent the unnecessary institutionalization of persons with mental illness in nursing homes. I recommend that HB 5861 be amended to incorporate the following provisions:

1. Nursing homes be mandated to notify DMHAS within one week of admitting a resident who had a level two mental health assessment.
2. Within three months of the effective date of this bill, DMHAS must establish policies and procedures to assure that its providers act to protect the housing of persons being served by that agency prior to admission if there are indications that the person may be discharged to the community within six months.

These measures will not fix all the problems. However, they can help reduce the unnecessary institutionalization of persons with mental illness in nursing homes and get the state moving in the right direction.